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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**DECLARATION OF LAN HOANG IN SUPPORT OF  
TRUSTEE'S MOTIONS IN LIMINE NUMBERS 1 THROUGH 4**

I, Lan Hoang, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”).

2. I submit this declaration in support of the Trustee’s Motion *In Limine* Number 1 to Exclude All Evidence and Testimony on the Actions or Inactions of the United States Securities and Exchange Commission; Trustee’s Motion *In Limine* Number 2 to Limit Testimony of J. Ezra Merkin; Trustee’s Motion *In Limine* Number 3 to Exclude the Opinions and Testimony of Jeffrey M. Weingarten; and Trustee’s Motion *In Limine* Number 4 to Exclude Exhibits Not Produced During Discovery.

3. True and correct copies of the following documents are attached:

Exhibit 1: Defendants J. Ezra Merkin and Gabriel Capital Corporation’s Supplemental Response to Plaintiff’s Second Set of Interrogatories and Requests for Admission in Accordance with Decision #3 dated August 30, 2013 (filed with the Court on October 8, 2015, ECF No. 286-12).

Exhibit 1A: Verification of J. Ezra Merkin dated February 23, 2015 to Defendants J. Ezra Merkin And Gabriel Capital Corporation’s Supplemental Responses To Plaintiffs Second Set of Interrogatories and Requests for Admissions In Accordance With Decision # 3, dated August 30, 2013 (filed with the Court on November 25, 2015, ECF No. 293-55).

Exhibit 2: Excerpts from the deposition transcript of J. Ezra Merkin dated February 24, 2015.

Exhibit 3: Excerpts from the deposition transcript of J. Ezra Merkin dated February 25, 2015.

Exhibit 4: Excerpts from the deposition transcript of Jeffrey M. Weingarten dated July 15, 2015.

- Exhibit 5: Expert Report of Jeffrey M. Weingarten dated March 19, 2015.
- Exhibit 6: Rebuttal Report of Jeffrey M. Weingarten dated May 14, 2015.
- Exhibit 7: Randall Smith, *Wall Street Mystery Features a Big Board Rival*, THE WALL STREET JOURNAL, Dec. 16, 1992, Bates Nos. GCC-P 0393125-126 (filed with the Court on October 8, 2015, ECF No. 286-5).
- Exhibit 8: *U.S. v. Madoff*, No. 09-CR-213 (S.D.N.Y.), Plea Allocution dated March 12, 2009.
- Exhibit 9: 2003-2007 Black Oak Capital, LLC and Akula Energy, LLC statement.
- Exhibit 10: 1994-2009 Bracebridge Composite Performance.
- Exhibit 11: 1999-2008 Millennium USA LP At A Glance – “Portfolio Update” (NYAG SJ Ex. 93).
- Exhibit 12: 1977-2009 Elliott Associates, LP Performance (net of all fees) (NYAG SJ Ex. 94).
- Exhibit 13: 1996-2009 SAC Capital Internal (net of all fees) dated November 27, 2009 (NYAG SJ Ex. 95).
- Exhibit 14: Correspondence from Matthew Tulchin dated January 14, 2011.
- Exhibit 15: Ascot Fund Limited’s Initial Disclosures dated January 13, 2014.
- Exhibit 16: Initial Disclosure Statement of Defendants J. Ezra Merkin and Gabriel Capital Corporation dated January 14, 2011.
- Exhibit 17: Trustee Irving H. Picard’s First Set of Requests for Production of Documents, Interrogatories, and Requests for Admission to Defendants J. Ezra Merkin and Gabriel Capital Corporation dated January 14, 2011.
- Exhibit 18: Second Set of Requests for Production of Documents to Defendants J. Ezra Merkin and Gabriel Capital Corporation dated January 13, 2012.
- Exhibit 19: Trustee’s Fourth Set of Requests for Production of Documents to Defendants J. Ezra Merkin and Gabriel Capital Corporation dated April 12, 2013.

Exhibit 20: Trustee's Fourth Set of Requests for Production of Documents to  
Defendants Ascot Partners, L.P. dated June 3, 2013.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28  
U.S.C § 1746 (2).

Dated: April 7, 2017  
New York, New York

By: /s/ *Lan Hoang*  
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